

## **REMARKS**

Claims 1-11, 19-20, 41, 43, and 45-48 are pending in the application. Claims 12-18, 21-40, 42 and 44 have been canceled. Applicant requests reconsideration of the application and issuance of a notice of allowance.

### **Rejections Under 35 U.S.C. § 102**

#### **A. Rejections based on van Driesten references**

Claims 1-11, 18-20 and 41-48 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/46316 (WO '316) or EP 026 215 to van Driesten et al. (Collectively "the van Driesten references".) The Examiner contends that although the references do not specifically teach the substrate to be moisture resistant, the adhesive to be removable and resealable in the presence of moisture form food packaging environments, or its Moist Loop Test result, since the references teach the same components in the laminate, the laminate would inherently have all the same properties as presently claimed.

Claims 1, 41 and 43 have been amended to recite that the removable and resealable adhesive is adhered to at least a first portion of the first surface of the substrate, and a permanent adhesive adhered to at least a second portion of the first surface of the substrate. The van Driesten references fail to disclose, teach or suggest a label laminate having a removable and resealable adhesive adhered to a portion of a first surface of a moisture resistant substrate and a permanent adhesive adhered to a second portion of the same surface. Thus, the structure of the claimed adhesive article is not disclosed by the van Driesten references.

In view of the amendment to claims 1, 41 and 43 and the foregoing remarks, Applicant respectfully requests withdrawal of the rejection of claims 1-11, 19, 20, 41, 43, 45-48 under 35 U.S.C. § 102(b) as being anticipated by WO 00/46316 (WO '316) or EP 026 215 to van Driesten et al.

## **B. Rejections based on Navarini**

Claims 1-8 and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,056,141 to Navarini et al. The Examiner contends that although Navarini does not specifically teach the substrate to be moisture resistant the adhesive to be removable and resealable in the presence of moisture from food packaging environments, or its Moist Loop Test result, since the reference teaches the same components in the laminate, the laminate would inherently have all the same properties as presently claimed.

As discussed above, Claims 1 has been amended to recite that the removable and resealable adhesive is adhered to at least a first portion of the first surface of the substrate, and a permanent adhesive adhered to at least a second portion of the first surface of the substrate. Navarini fails to disclose, teach or suggest a label laminate having a removable and resealable adhesive adhered to a portion of a first surface of a moisture resistant substrate and a permanent adhesive adhered to a second portion of the same surface. Thus, the structure of the claimed adhesive article is not disclosed by Navarini.

In view of the amendment to claim 1 and the foregoing remarks, Applicant respectfully requests withdrawal of the rejection of claims 1-8 and 18 under 35 U.S.C. § 102(b) as being anticipated by Navarini et al.

## **C. Rejections based on Bane**

Claims 1-4, 18, and 41-48 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,366,087 to Bane. The Examiner contends that although Bane does not specifically teach the substrate to be moisture resistant, the adhesive to be removable and resealable in the presence of moisture from food packaging environments, or its Moist Loop Test result, since the reference teaches the same components in the laminate, the laminate would inherently have all the same properties as presently claimed.

Applicant respectfully disagrees with the Examiner's contention. Contrary to the Examiner's allegation, the reference does not teach "the same components in the laminate", and therefore, the laminate would not inherently have all of the same properties as presently claimed. Bane contains no teaching

or suggestion of types or classes of permanent or repositionable adhesives that can be utilized in the laminates described by Bane. Bane merely mentions in column 3, beginning at line 56 that the adhesives 14 and 15 may be selected from a wide variety of conventional permanent and repositional adhesives. An example of a commercial available repositional adhesive 15 is given in column 3, line 68 as CLEANTAC adhesive from Moore Business Forms. No further information is provided with regard to the composition of this adhesive, and Bane merely states that this repositional adhesive merely separates from the underlying packaging material and can be reused.

Applicant respectfully submits that there is no teaching or discussion in Bane that would suggest that the Moist Loop Test results recited in the present claims are inherent in the "conventional" repositionable adhesive. Applicant submits that the laminates described by Bane do not inherently have the characteristics of the laminates presently claimed, and the rejection should therefore be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests a timely issuance of a Notice of Allowance for claims 1-11, 19-20, 41, 43, and 45-48.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **AVERP3447USA**.

Respectfully submitted,

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